

FDIC ACT -- Codified to 12 U.S.C. 1823(e)

Act of August 9, 1989 (Pub. L. No. 101-73; 103 Stat. 187 and 256), effective August 9, 1989; section 123(b) of title I of the Act of December 19, 1991 (Pub. L. No. 102-242; 105 Stat. 2252), effective December 19, 1991]

(e) **AGREEMENTS AGAINST INTERESTS OF CORPORATION.-**

(1) **IN GENERAL.-**No agreement which tends to diminish or defeat the interest of the Corporation in any asset acquired by it under this section or section 11, either as security for a loan or by purchase or as receiver of any insured depository institution, shall be valid against the Corporation unless such agreement-

(A) is in writing,

(B) was executed by the depository institution and any person claiming an adverse interest thereunder, including the obligor, contemporaneously with the acquisition of the asset by the depository institution.

(C) was approved by the board of directors of the depository institution or its loan committee, which approval shall be reflected in the minutes of said board or committee, and

(D) has been, continuously, from the time of its execution, an official record of the depository institution.

(2) **PUBLIC DEPOSITS.-**An agreement to provide for the lawful collateralization of deposits of a Federal, State, or local governmental entity or of any depositor referred to in section 11(a)(2) shall not be deemed to be invalid pursuant to paragraph (1)(B) solely because such agreement was not executed contemporaneously with the acquisition of the collateral or with any changes in the collateral made in accordance with such agreement.

[Codified to 12 U.S.C. 1823(e)]

[Source: Section 2[13(e)] of the Act of September 21, 1950 (Pub. L. No. 797; 64 Stat. 889), effective September 21, 1950, as amended by section 113(m) of title I of the Act of October